

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: )  
POINT-TO-POINT EXPRESS, INC., )  
Debtor(s). )  
IPoFA WEST 86TH STREET, L.L.C., an )  
Indiana limited liability company, )  
Plaintiff, )  
vs. )  
POINT-TO-POINT EXPRESS, INC., )  
a Nebraska corporation; BRICKYARD )  
PROPERTIES, L.L.C., a Nebraska limited )  
liability corporation; and TRA-MEL )  
LEASING CORP., a Nebraska corporation, )  
Defendants. )

CASE NO. BK06-81466  
A06-8110  
8:06CV557  
Involuntary CH. 7

## REPORT & RECOMMENDATION

Having reviewed the status report submitted by the plaintiff (Fil. #3), I find that the reference of this case to the bankruptcy court should be withdrawn in order for the plaintiff to proceed against the non-debtor parties in the United States District Court or upon remand to the state court.

I therefore respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to proceed with the litigation against Brickyard Properties, L.L.C., and Tra-Mel Leasing Corporation, while staying the litigation as to Point-to-Point Express, Inc.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: November 13, 2006

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney  
Chief Judge

**Notice given by the Court to:**

John J. Jolley, Jr. Robert V. Ginn  
Michael O'Bradovich U.S. Trustee